

AO 91 (Rev.5/85) Criminal Complaint

United States District Court

E-FILING

NORTHERN DISTRICT OF CALIFORNIA - 3 A 10 30

UNITED STATES OF AMERICA

RICHARD W. WIEKING
CLERK
CRIMINAL COMPLAINT
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

V.

ALFONSO MONTALVO

CASE NUMBER:
08-70321

RS

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about January 2, 2008 in Monterey County, in the Northern District of California, and elsewhere, the defendant(s) did, willfully and knowingly make a false statement in an application for a passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws,

in violation of Title 18 United States Code, Section 1542.

I further state that I am a Special Agent and that this complaint is based upon the following facts:

See affidavit of Jeffrey Dubsick, attached hereto and incorporated by reference


Maximum penalties: 10 years imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment

Continued on the attached sheet and made a part here of: (X) Yes () No

Approved

As to Form:

AUSA Susan Knight


Jeffrey Dubsick, Special Agent, DSS

Sworn to before me and subscribed in my presence,

June 3, 2008

Date

at

San Jose, California

City and State

Richard Seeborg, U.S. Magistrate Judge

Name and Title of Judicial Officer


Signature of Judicial Officer

I, Jeffrey C. Dubsick, being duly sworn, depose and state:

Affiant Background

1. I am a Special Agent employed by the Diplomatic Security Service (DSS) which is an agency of the United States State Department. DSS Special Agents are empowered under Title 22 U.S.C. § 2709 to investigate passport fraud and to apply for and serve arrest warrants.

2. I have a bachelor's degree from the University of California and am a graduate of the Federal Law Enforcement Training Center's Criminal Investigator Training Program. I have been employed by DSS since December 2004, and have received and receive, on an ongoing basis, training in the laws, rules and regulations concerning passports. My previous investigations have resulted in at least 40 convictions for passport fraud or a related offense.

Purpose of Affidavit

3. This affidavit establishes probable cause to arrest ALFONSO MONTALVO, also known as JESUS PORTILLO, for False Statement in Application for a Passport, in violation of 18 U.S.C. § 1542. It is alleged that he applied for a passport and falsely stated he was born Los Angeles, when in truth and in fact, he was born in Pueblo, Mexico.

4. This affidavit is based in part upon my personal knowledge, interviews, and the review of various records and documents obtained during this investigation. This affidavit sets forth only those material facts that I believe are necessary to establish probable cause. It does not include each and every fact of this investigation, however, no detail or fact that would potentially negate probable cause has been excluded.

Relevant Statute

5. The Passport Act of 1926, as amended, was in full force and effect throughout the period of this investigation. This Act, codified in 22 U.S.C. § 211a, authorized the United States Secretary of State to grant and issue United States passports under rules prescribed by the President and/or other federal laws. Some of these rules are that a

person wanting a United States passport must complete and submit an application to the State Department and must submit proof of American citizenship, usually a birth certificate, and proof of identity, usually a driver's license and Social Security Number, with their application. Another rule allows officers at United States Post Offices to accept passport applications, and to then forward them to the State Department for processing.

6. Title 18 U.S.C. § 1542 states, in pertinent part, "Whoever willfully and knowingly makes any false statement in an application for a passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for their own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws...shall be fined under this title...or imprisoned not more than 10 years...or both." Title 18 U.S.C. § 3291 provides for a ten year statute of limitations for passport offenses.

Facts Supporting Probable Cause

7. On or about January 2, 2008, a person purporting to be JESUS PORTILLO submitted an application for a United States passport at the Salinas Post Office, which is located in the Northern District of California. A review of this application and other State Department records disclosed this person listed the following information on his passport application, in sum:

Name: JESUS PORTILLO
Place of Birth: Los Angeles, CA
Employer: Giselle's Beauty Salon

8. This application was referred to DSS for criminal investigation because of the existence of fraud indicators.

9. On June 2, 2008, I, along with Special Agent Thegi Thiara interviewed the person purporting to be JESUS PORTILLO at Giselle's Beauty Salon. He told us the following information, in sum and in substance: His true name was ALFONSO MONTALVO, not JESUS PORTILLO; that he was born in Pueblo, Mexico, not Los Angeles, CA; and that he was the passport applicant.

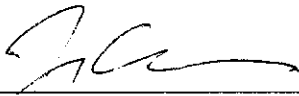
10. On June 2, 2008, and on other dates, I reviewed records on file at the State Department and learned a passport was issued to the person whom I believe from my training and experience to be the real JESUS PORTILLO. This real JESUS PORTILLO was issued a United States passport in 2004, and he resides in Los Angeles, CA.

Conclusion

11. Based on the facts and information detailed in the affidavit, I believe probable cause exists that ALFONSO MONALVO, also known as JESUS PORTILLO, made a false statement in a passport application, in violation of 18 U.S.C. § 1542, when he


falsely stated his place of birth was California on the aforementioned passport application, which was submitted at the Salinas Post Office in the Northern District of California. As such, I respectfully request a warrant for his arrest.

Under penalty of perjury, I swear that the foregoing is true and correct to the best of my knowledge, information and belief.



Jeffrey C. Dubsick
Special Agent
Diplomatic Security Service
San Francisco Field Office

SUBSCRIBED AND SWORN BEFORE ME
ON June 3, 2008



THE HONORABLE RICHARD SEEBORG
United States Magistrate Judge
Northern District of California